

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN L. WOODS,

Petitioner,

v.

J. WOLFE, Warden,

Respondent.

CASE NO. 2:07-cv-269
JUDGE WATSON

OPINION AND ORDER


On March 5, 2008, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. For the reasons that follow, petitioner's objections are **OVERRULED**.

Petitioner objects to all of the Magistrate Judge's recommendations. Petitioner again raises all of the same arguments he previously presented. He states that he did not intend to raise any claim that his convictions were against the manifest weight of the evidence, but only a claim that the evidence was constitutionally insufficient to sustain his convictions. Additionally, petitioner again argues that he is actually innocent of the charges against him, and contends that the evidence was constitutionally insufficient to sustain his convictions because the prosecution could not prove he had a gun.

Petitioner's arguments are not persuasive. The victim, David Koonts, testified that petitioner robbed him at gunpoint. Koonts, fearing he would be shot, complied with petitioner's demands. *See Exhibit 5 to Return of Writ*. Therefore, as discussed by the Magistrate Judge, when viewing all of the evidence in the light most favorable to the

prosecution, the evidence was constitutionally sufficient to sustain petitioner's convictions. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted *de novo* review of the *Report and Recommendation*. For the reasons detailed by the Magistrate Judge, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.



MICHAEL H. WATSON
United States District Judge